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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,824	11/17/2000	James D. Velke	3696-43	5273

7590 01/02/2002

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[REDACTED] EXAMINER

KOVACS, ARPAD F

ART UNIT	PAPER NUMBER
3671	

DATE MAILED: 01/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/714,824	Applicant Velke et al.
Examiner Árpád Fábián Kovács	Art Unit 3671



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on Nov 17, 2000.
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-14 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)
- 17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7      20)  Other: \_\_\_\_\_

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**DETAILED ACTION**

*Claim Objections*

1. Claim 5 is objected to because of the following informalities: at the end of claim 3, ln 2, the 2nd occurrence of “.” should be removed. Appropriate correction is required.

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***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim(s) 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamlukin (3187821), in view of Wright et al (5600944) [cited by the applicant].

Kamlukin discloses a mower (fig 2) comprising:

first and second independently driveable drive wheels (9);

a foot platform located at an elevation less than an elevation of a top edge of at least one rear wheels (in the vicinity of the ref 95);

a deck lift system to lower & raise the cutter deck assembly to adjust a blade cutting height (col 7, ln 22-28);

control arms pivotally attached to the cutter deck & engine deck (col 65-75; at pivot 127);

the control arm (126) is short enough so that pivoting of the control arms an angle of 15 degrees either upward/downward during raising/lowering the cutter deck assembly causes the cutter deck assembly to move a vertical distance 2.5 or 2.0 or 1.8 inches (col 65-75) (in re cl 1-3, 9-11, 14);

the control arms pivot is defined by apertures in control arm support tabs provided on a tractor frame structure (col 9, ln 25-30; 138 & 139) (in re cl 4, 6, 12);

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the control arms are pivotally connected between the cutter deck assembly & tractor frame structure (for example at ref 127) (in re cl 5, 6).

Although mower is well known to be driven separately from the tractor by an engine which is closely defined or situated to the mower deck & blade shaft assembly, Kamlukin does not provide for such design and specifics as claimed.

Wright discloses that it is known in the art to provide such mower engine deck assembly in close vicinity of the deck assembly as claimed, wherein the movement of the engine & engine deck with mower deck & blade assembly combination can be (capable) moved upward or downward as desired as one unit.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Kamlukin with the teachings of Wright, in order to provide an alternative positioning of the mower engine, which would allow driving the blade assembly simpler and more efficient.

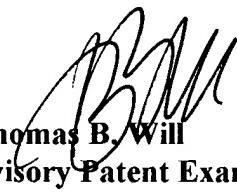
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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shimamura et al., Boice, Scag, Rose, Deines, Marek et al., Wells et al, Nicol show closely related arts to applicant's invention.

Any inquiry concerning this communication should be directed to Árpád Fábián Kovács at telephone number (703) 308-5897, or in my absence contact Thomas B. Will whose telephone number is (703) 308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for the Group is (703) 305-3597.



Thomas B. Will  
Supervisory Patent Examiner  
GROUP 3671

áfk/ÁFK  
December 28, 2001